

MESSAGE FROM HURRICANE KATRINA LEGAL WORKING GROUP:

As a part of the coordinated federal, state, tribal and local government response and relief efforts in response to Hurricane Katrina, federal agencies are encouraged to provide federal assistance to individuals affected by the hurricane as quickly as possible and to exercise, to the maximum extent permissible under existing authority, discretion to streamline, modify or waive administrative conditions for providing federal assistance. In addition, federal agencies should be aware of the broad discretion granted under 42 U.S.C. Section 5141 when applying administrative conditions as a condition precedent to the provision of federal assistance.

**Waiver of administrative conditions
(42 U.S.C. Section 5141)**

Any Federal agency charged with the administration of a Federal assistance program may, if so requested by the applicant State or local authorities, modify or waive, for a major disaster, such administrative conditions for assistance as would otherwise prevent the giving of assistance under such programs if the inability to meet such conditions is a result of the major disaster.

Questions about specific waivers or the application of this provision should be directed to the appropriate agency's Office of General Counsel. Questions from agency General Counsel offices may be directed to the Hurricane Katrina Legal Working Group by contacting Mike Wiggins of DHS Office of the General Counsel (202-282-9145 (o) / 404-731-3581 (cell) / mike.wiggins@dhs.gov) or Rosemary Hart of the Department of Justice Office of Legal Counsel (202-514-2027 (o) / 202-514-5000 (DOJ Command Ctr.) / rosemary.hart@usdoj.gov).